

09/622703

534 Rec'd PCT/PTC 21 AUG 2000
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Group Art Unit: Not
)	Known
WARREN HOEFFLER)	
)	Examiner: Not Known
Application No.)	
)	<u>INFORMATION DISCLOSURE</u>
Filed: Herewith)	<u>STATEMENT</u>
)	
For: METHOD FOR DETERMINING)	2001 Ferry Building
TRANSCRIPTION FACTOR)	San Francisco, CA 94111
ACTIVITY AND ITS TECHNICAL)	(415) 433-4150
USES)	

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

Applicant submits herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which he aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☒ [X] accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☐ [] as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

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- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$240) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

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A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith:

(h) ☒ each (i) ☐ none (j) ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application no. _____, filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

(k) ☐ not given

(l) ☐ given for each listed item

(m) ☐ given for only non-English language listed item(s) [Required]

(n) ☒ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be

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"material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

[X] The Commissioner is hereby authorized to charge our Deposit Account No. 12-1420 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,
LIMBACH & LIMBACH L.L.P.

Dated: August 21, 2000

By: Michael R. Ward
Michael R. Ward, Esq.
Reg. No. 38,651
Tel. No. 415/433-4150

Our File: XGEN-110 USA

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FORM PTO-1449 (Modified) (Rev. 7-80)		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. XGEN-110 USA ()		Applicant No. 09/622703	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant(s) WARREN HOEFFLER			
				Filing Date HEREWITH		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
FOREIGN PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation YES NO
	AA	EO 0 441 483 A2	08/14/91	Europe	C12N	15/12	X
	AB	EP 0 628 817 A1	12/14/94	Europe	G01N	33/53	X
	AC	FR 2 760 025 A	08/28/98	France	C12Q	1/68	X
	AD	WO 90/05745	05/31/90	Patent Cooperation Treaty	C07K	13/00	X
	AE	WO 96/28571	09/19/96	Patent Cooperation Treaty	C12Q	1/68	X
OTHER DOCUMENTS							
	AF	Michelotti et al., MULTIPLE SINGLE-STRANDED CIS-ELEMENTS ARE ASSOCIATED WITH ACTIVATED CHROMATIN OF THE HUMAN C-MYC GENE IN VIVO, Molecular and Cellular Biology, Volume 16, No. 6, June 1996, pages 1656-2669					
	AG	Evans et al., S1-HYPERSENSITIVE SITES IN EUKARYOTIC PROMOTER REGIONS, Nucleic Acids Research, Volume 12, Number 21, 1984, pages 8043-8058					
	AH	Stewart et al., RAPID INDUCTION OF c-fos TRANSCRIPTION REVEALS QUANTITATIVE LINKAGE OF RNA POLYMERASE II AND DNA TOPOISOMERASE I ENZYME ACTIVITIES, Cell Press, Volume 60, January 12, 1990, pages 141-149					
	AI	Wang and Roeder, DNA TOPOISOMERASE I AND PC4 CAN INTERACT WITH HUMAN TFIIC TO PROMOTE BOTH ACCURATE TERMINATION AND TRANSCRIPTION REINITIATION BY RNA POLYMERASE III, Molecular Cell, Volume 1, April 1998, pages 749-757					
	AJ	Friedberg, E.C., RELATIONSHIPS BETWEEN DNA REPAIR AND TRANSCRIPTION, Annual Review of Biochemistry, Volume 65, January 1, 1996, pages 15-42					
	AK	Cook, Peter R., THE ORGANIZATION OF REPLICATION AND TRANSCRIPTION, Science, Volume 284, June 11, 1999, pages 1790-1795					
	AL	Hoeffler and Roeder, ACTIVATION OF TRANSCRIPTION FACTOR IIIC BY THE ADENOVIRUS E1A PROTEIN, Cell, Volume 53, June 17, 1988, pages 907-920					
	AM	Hoeffler et al., ACTIVATION OF C-JUN TRANSCRIPTION FACTOR BY SUBSTITUTION OF A CHARGED RESIDUE IN ITS N-TERMINAL DOMAIN, Nucleic Acids Research, Volume 22, No. 7, 1994, pages 1305-1312					
Examiner				Date Considered			
* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							